

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

As requested, the invented hyperlink has been removed from the specification.

The redundant words in claim 10 have also been eliminated as suggested.

The rejection of claims 1-36 under 35 U.S.C. §102 as allegedly anticipated by Spies et al. '314 is respectfully traversed.

Although the Examiner has repeated language from applicant's claims and attributed it to column 5, lines 10-53 of Spies et al. '314, no such words or concepts are therein found. For example, the words "application data units" are never used. The closest analog to such might be a "video content program" (e.g., there is apparently one programmed decryption key provided for each video content program as described at column 5, lines 17-18). However, the concept of dividing such video content program into different identifiable units that correspond with respectively different decryption keys does not appear to be present. Nor is there any concept taught or suggested in Spies et al. '314 that relates to measuring quality of service in a communication link and maintaining any verifiable receipts for communication units so that a user not receiving guaranteed quality of service might then request a refund or the like.

In short, although Spies et al. '314 does teach a technique for secure (i.e., encrypted) purchase and delivery of video content programs, this reference appears to be essentially irrelevant with respect to applicant's claimed invention.

Claim 1 of the present application defines a number of distinct steps for generating a receipt of application data units (ADUs) received at a customer terminal. ADUs are transmitted to the customer terminal in encrypted form. The encrypted ADUs are decrypted in the locality of the customer terminal and a record of each decryption is stored. A receipt is generated based on this ADU decryption record. The method provides an advantageous way of generating a non-repudiation receipt based on the number of ADUs received from a remote provider. This can be important if, for example, the provider has guaranteed a minimum quality of service (QoS) based on the number of ADUs received.

Spies et al. '314 relates merely to a method and system of secure video program delivery. The passage to which the Examiner refers, namely column 5, lines 10 to 53, relates to an initial stage in which a video content provider gives a video merchant the ability to sell a specific piece of video content. In this initial stage, the provider moves cryptographic program keys (arranged to decrypt specific video programs sent separately to a user) to a secure key store (40) located at the merchant's facility. The cryptographic program keys are encrypted at the provider's end and are conveyed to the secure key store (40) via a link (43). Although the secure key store (40) maintains audit logs (see lines 50 to 54) these logs do not constitute an ADU decryption record. In fact, there is no mention of ADUs in this particular passage. Instead, it would appear that the audit logs simply reflect the vending history of encrypted program keys, not decrypted ADUs, thus enabling the merchant to vend the program keys in a controlled way.

Therefore, it appears that at least steps (e) and (f) of claim 1 are not disclosed (or even suggested) in the passage at column 5, lines 10 to 53 of Spies et al. '314. Nowhere is there any

suggestion of using decryption of ADUs as a basis for generating a non-repudiation receipt. The same comments apply to claim 12, which is analogous to claim 1.

Regarding claim 12, Spies et al. '314 discloses the use of different packet keys for encrypting and decrypting respective packets of video data (e.g., see column 9, line 40 to column 10, line 67). However, rather than storing a readable record of the 'decryption' packet keys generated, the reference seems more concerned with keeping these packet keys secret. In particular, see column 10, lines 39 to 48. Step (e) of claim 21 has now been amended to more explicitly require "storing a readable record of the keys generated in step (d)". Step (g) of claim 22 has similarly been amended to recite "a store for storing a readable record...".

Regarding claim 28, those parts of Spies et al. '314 to which the Examiner refers do not appear to disclose a system or method in which a different characteristic variation is induced in the value of the ADUs at different respective terminals. If the Examiner maintains this objection, it would be appreciated if he could point out the specific part of Spies et al. '314 which allegedly discloses this feature.

Regarding claim 34, those parts of Spies et al. '314 to which the Examiner refers also do not appear to disclose the features of this claim. In fact, Spies et al. seems to refer to a single data source connected to multiple subscribers, and there is no mention of encrypting ADUs from each different source with different respective keys derived from a common seed value. Again, it would be appreciated if the Examiner could point to a specific part of Spies et al. which allegedly discloses this feature.

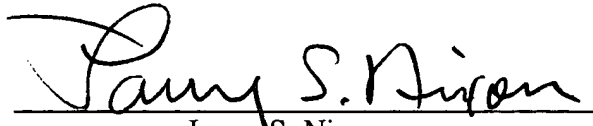
In view of these serious and fundamental deficiencies of Spies '314 with respect to each and everyone of the applicant's independent claims, it is not believed necessary at this time to catalog the further deficiencies of this reference with respect to the dependent claims which add further patentable feature and distinction to the applicant's claimed invention.

Attention is directed to the attached Form PTO-1449 and a copy of any non-US patent documents cited therein. These references have been cited in related copending application 09/555,929. The IDS fee for this stage of prosecution is also attached. Official consideration and citation is requested.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

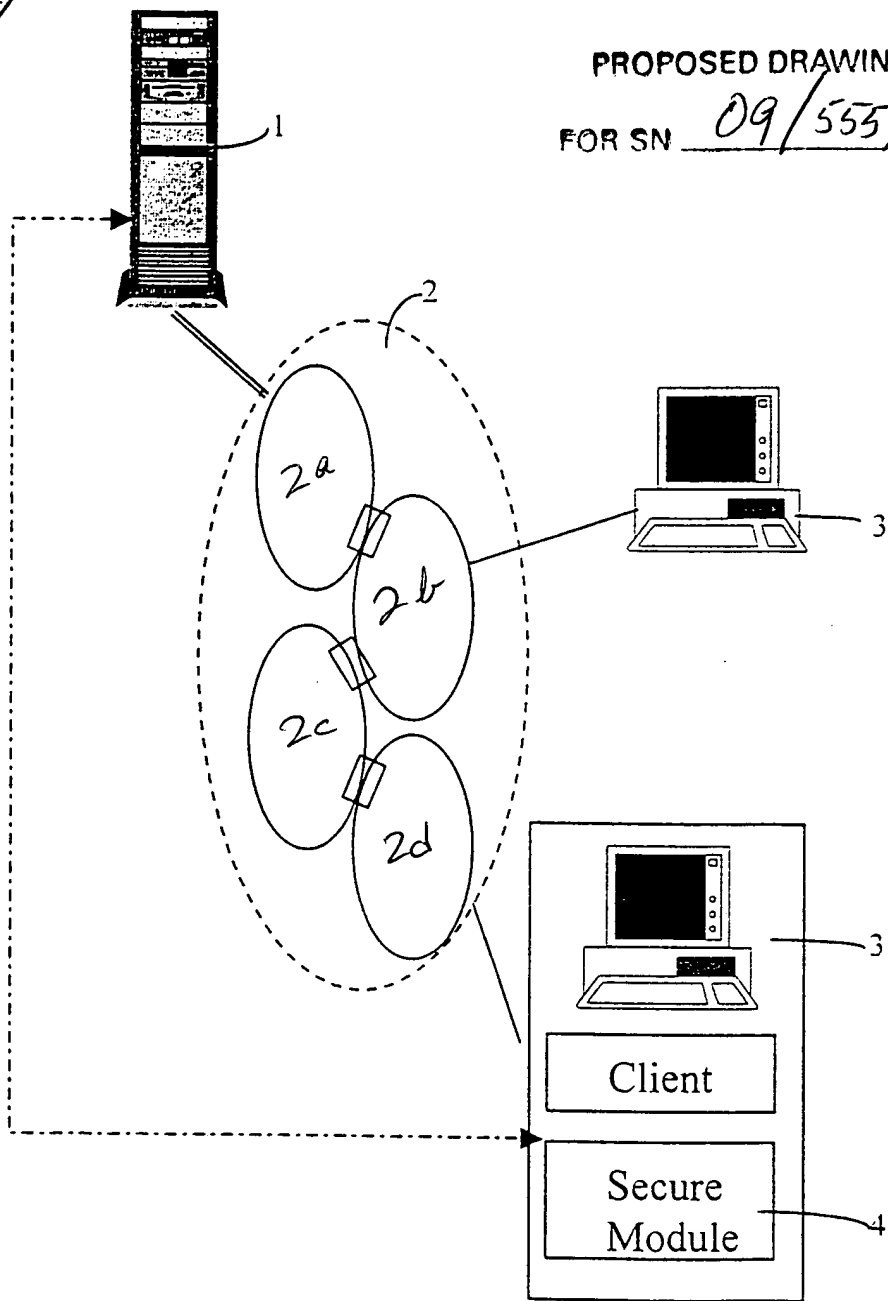
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Figure 1

PROPOSED DRAWING AMENDMENTS
FOR SN 09/555,839



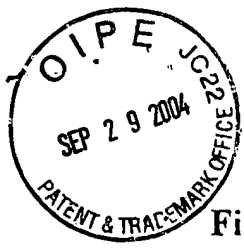


Figure 2

PROPOSED DRAWING AMENDMENTS
FOR SN 09/555,839

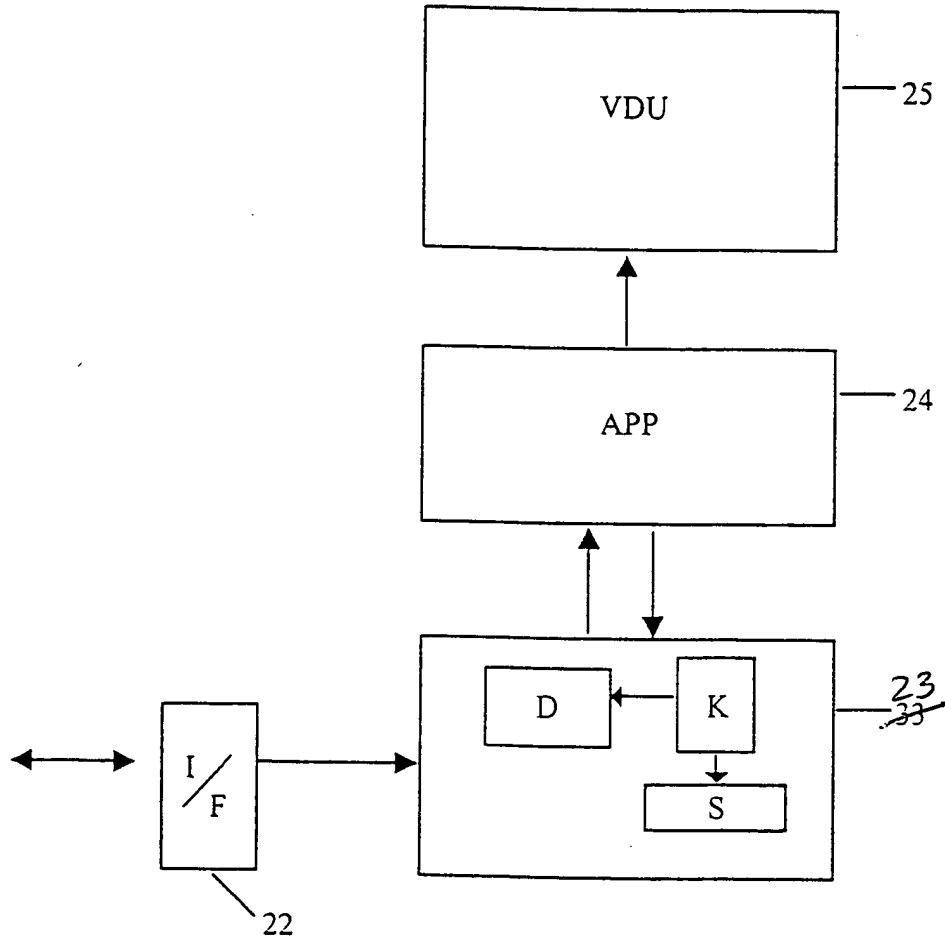




Figure 4

PROPOSED DRAWING AMENDMENTS
FOR SN 09/555,839

